



NOT FOR PUBLICATION

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION**

In re:

ROSA M. LICEA AND ELIAZAR LICEA,

Debtors.

Case No. 2:13-bk-34043-RK

Chapter 7

**ORDER GRANTING DEBTOR'S MOTION
TO REOPEN**

Pending before the court is the motion of Debtor Rosa M. Licea ("Debtor") to reopen her bankruptcy case for the sole purpose of adding Creditors 2042 Town Square West, LLC and 8454 Steller Drive, LLC ("Motion"), Electronic Case Filing Number ("ECF") 15, filed on December 27, 2016. Creditors 2042 Town Square West, LLC and 8454 Steller Drive, LLC (collectively, "Creditors"), jointly filed an opposition to the Motion, ECF 17, and Debtor filed a reply thereto, ECF 18. The matter came on for hearing before the undersigned United States Bankruptcy Judge on January 17, 2017 at 2:30 p.m. At the January 17, 2017 hearing, Debtor appeared on behalf of herself as a self-represented party. Gary D. Fidler of the law firm of Greene, Fidler & Chaplan, LLP, appeared for Creditors.

1 Through the Motion, Debtor requests that her case be reopened pursuant to 11
2 U.S.C. § 350(b) and Federal Rule of Bankruptcy Procedure 5010 so that Debtor can
3 amend her Schedule F to add Creditors. Through its tentative ruling and at the January
4 17, 2017 hearing, the court explained that there is no purpose to reopening Debtor's case
5 just to add Creditors to Debtor's Schedule F because this is a Chapter 7 "no asset/no bar
6 date" case. *Audio Recording of Hearing on Motion to Reopen*, January 17, 2017 at 2:37
7 p.m. Reopening a case to add an omitted creditor is not necessary in a Chapter 7 "no
8 asset/no bar date" case (where the court sent a notice directing creditors not to file a
9 proof of claim). Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors, & Deadlines,
10 filed on September 30, 2013, ECF 2; *In re Beezley*, 994 F.2d 1433, 1434 (9th Cir. 1993);
11 see 4 March, Ahart and Shapiro, California Practice Guide: Bankruptcy, ¶ 23:133 at 23-
12 17 (2015).

13 Nonetheless, at the January 17, 2017 hearing, Debtor clarified that she wished to
14 reopen her case to enforce the discharge injunction against the debts claimed by
15 Creditors through a motion for issuance of order to show cause re: contempt against
16 Creditors under Local Bankruptcy Rule 9020-1. *Audio Recording of Hearing on Motion to*
17 *Reopen*, January 17, 2017 at 2:41 p.m. Creditors did not oppose this relief at the
18 hearing. *Audio Recording of Hearing on Motion to Reopen*, January 17, 2017 at 2:41-
19 2:42 p.m.

20 Having considered the moving and opposing papers, the argument of the parties
21 at the January 17, 2017 hearing, and the record before the court, the court rules as
22 follows:

- 23 1. The court determines that the Motion should be granted to accord relief to
24 Debtor under 11 U.S.C. § 350(b) for the reasons stated at the January 17,
25 2017 hearing, that is, for the limited purpose of allowing Debtor to file and
26 serve a motion for issuance of order to show cause re: contempt against
27 Creditors under Local Bankruptcy Rule 9020-1.
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2. The Motion is granted and the case is ordered reopened.
3. The case is ordered reopened without the reappointment of a Chapter 7 trustee.
4. Debtor is granted 60 days leave from the date of entry of this order to file and serve a motion for issuance of order to show cause re: contempt against Creditors under Local Bankruptcy Rule 9020-1. If Debtor fails to file a motion for issuance of order to show cause re: contempt against Creditors under Local Bankruptcy Rule 9020-1 within 60 days of entry of this order, the case shall be immediately closed.
5. Debtor is not granted leave to amend her bankruptcy schedules, including Schedule F, and may not so amend her bankruptcy schedules without permission of the court.

IT IS SO ORDERED.

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Date: January 19, 2017



Robert Kwan
United States Bankruptcy Judge